

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

HANNA ALBINA and AUSTIN WILLARD,
individually and on behalf of others similarly
situated,

Plaintiffs,

vs.

THE ALIERA COMPANIES, INC.,
TRINITY HEALTHSHARE, INC., and
ONESHARE HEALTH, LLC d/b/a UNITY
HEALTHSHARE, LLC,

Defendants.

Case No.: 5:20-CV-00496-JMH

ELECTRONICALLY FILED

**MOTION TO EXPEDITE RULING ON
PLAINTIFFS' PENDING MOTIONS**

COME the Plaintiffs, by counsel, on behalf of themselves and the class they seek to represent, and hereby move the Court to expedite its rulings on Plaintiffs' two pending motions; specifically, (1) Plaintiffs' Motion to Lift Stay, Deny All Pending Motions, Enter Default, and Enter Default Judgment as to The Alieria Companies, Inc. [DE 64], and (2) Plaintiffs' Motion to Certify Class Against The Alieria Companies, Inc. [DE 65]. As grounds for their motion, Plaintiffs state as follows.

It is well recognized that "trial courts have inherent power to control their dockets." Anthony v. BTR Auto. Sealing Sys., Inc., 339 F.3d 506, 516-17 (6th Cir. 2003). Plaintiffs and the class they seek to represent request this Court to exercise its discretion and expedite its ruling on Plaintiffs' pending motions.

Plaintiffs must proceed expeditiously against The Alieria Companies, Inc. (“Alieria”), in order to avoid specific prejudice to them. Alieria has already begun an expedited process of liquidating itself under Georgia law, and Plaintiffs (and the class members) have barely two months remaining to present claims under that process or forever be barred from doing so.

As explained in more thorough detail in its other pending motions, Alieria has begun winding up its business operations and has recorded a deed of Assignment for the Benefit of Creditors (“Alieria ABC”), a state-law alternative to bankruptcy recognized under Georgia law. *See* Ga. Code. Ann. §§ 18-2-40 to -59. The Alieria ABC is a method by which Alieria can liquidate its assets in a way which undermines the fairness afforded by the United States Bankruptcy Code. Without the protections provided by the Bankruptcy Code, Alieria’s insiders, through the Alieria ABC, will have more control over the liquidation of its assets than they would in bankruptcy proceedings. *Id.* §§ 18-2-40, -42. Alieria has already transferred its assets to the assignee—Asset Recovery Associates Alieria, LLC—and the assignee has already notified creditors of the claims bar date of January 11, 2022. [Exh. A]. If Plaintiffs are going to have any viable claim against the remaining assets of Alieria, they must proceed with a claim as a creditor in the Alieria ABC process before the claims bar date of January 11, 2022. In order to proceed credibly, Plaintiffs must have a liquidated judgment before that date, which will require this Court to expedite its consideration of Plaintiffs’ various motions.

Alieria has demonstrated its failure to defend this action, pursuant to Federal Rule of Civil Procedure 55(a), and is in default. In holding Alieria in default and entering a default judgment in favor of the Plaintiffs, the Plaintiffs seek to represent the proposed class of other individuals victimized by Alieria’s sale of sham health insurance plans marketed and disguised as an authorized health care sharing ministry (“HCSM”). At least 383 Kentucky households purchased

the illegal health plans created, marketed, and sold by Alieria through Trinity. Prior to Trinity's formation, Alieria sold other purported HCSM plans through Unity HealthShare, another entity by which Alieria perpetrated its fraud. As explained in Plaintiffs' Motion to Certify Class, the case should proceed as a class action to best pursue each of these aggrieved individuals' claims.

Time is of the essence. If Plaintiffs, and the class they seek to represent, do not obtain a liquidated judgment against Alieria well before the claims bar date of January 11, 2022, in the Alieria ABC process, they will be left without any viable means of recovering against Alieria. If Plaintiffs and the putative class make no claim in the Alieria ABC process before January 11, 2022, then they will not be able to participate and there will be no recovery for Plaintiffs and the class members against Alieria. Plaintiffs and the putative class must be able to make a claim as creditors in the Alieria ABC in order to proceed effectively. For these reasons, Plaintiffs, on behalf of themselves and the class they seek to represent, respectfully request this Court to rule expeditiously on its pending motions before this Court.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that, on November 4, 2021, I have served this document on all counsel of record through the Court's CM/ECF system, and in addition I have mailed by United States Postal Service the document to the following non-CM/ECF participants, as well as electronically mailed to Katie Goodman:

The Alieria Companies Inc.
990 Hammond Dr. NE, Suite 700
Atlanta, GA 30328

The Alieria Companies Inc.
c/o CT Corporation System, Registered Agent
306 W. Main Street, Suite 512
Frankfort, Ky 40601

Assignee for The Alieria Companies, Inc., *et al.*
c/o Katie Goodman Asset Recovery Associates Alieria, LLC
3155 Roswell Road NE, Suite 120
Atlanta, GA 30305
kgoodman@gggpartners.com

I further certify that I have electronically mailed the document to the Alieria's former counsel:

Benjamin B. Coulter, bcoulter@burr.com

BY: /s/ Jerome P. Prather
Jerome P. Prather, Esq.

EXHIBIT

A

**Asset Recovery Associates Alieria, LLC
As Assignee for The Alieria Companies, Inc., Adevo LLC,
Ensurian Agency LLC, Tactical Edge Solutions LLC and
USA Benefits & Administrators LLC
3155 Roswell Road NE, Suite 120
Atlanta, GA 30305**

October 17, 2021

Re: The Alieria Companies, Inc., Adevo LLC, Ensurian Agency LLC, Tactical Edge Solutions LLC and USA Benefits & Administrators LLC

Dear creditor or creditor representative,

On October 11, 2021, The Alieria Companies, Inc., Adevo LLC, Ensurian Agency LLC, Tactical Edge Solutions LLC and USA Benefits & Administrators LLC (“Companies”) filed an Assignment for the Benefit of Creditors (“Assignment”) in Fulton County, Georgia.

Pursuant to the Assignment, Asset Recovery Associates Alieria, LLC, was appointed Assignee of the Company. Generally, the Assignee, in accordance with the Assignment and Georgia law, is responsible for liquidating the assets of the Companies and distributing the proceeds to bona fide creditors of the Companies pro rata after paying administrative claims and any priority claims.

If you believe that you are owed money by the Companies, please submit the amount you believe you are owed or potentially claiming as of October 11, 2021, along with supporting documentation via regular U.S. mail ONLY to:

Assignee for The Alieria Companies, Inc. *et. al.*
c/o Asset Recovery Associates Alieria, LLC
3155 Roswell Road NE, Suite 120
Atlanta, GA 30305

Such documentation must be received by January 11, 2022. Any claims received after January 11, 2022 will be **BARRED**.

If you have any questions please do not hesitate to call me at (404) 293-0137.

Sincerely,


Katie Goodman

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Defendants.

Case No.: 5:20-CV-00496-JMH

ELECTRONICALLY FILED

ORDER EXPEDITING RULING AS TO PLAINTIFFS' PENDING MOTIONS

* * * * *

The Plaintiffs, having filed a Motion to Expedite the ruling on its two pending motions before this Court; specifically, (1) Plaintiffs' Motion to Lift Stay, Deny all Pending Motions, and Enter Default Judgment as to The Alieria Companies, Inc., and (2) Plaintiffs' Motion to Certify Class, the Defendant The Alieria Companies, Inc., not being represented by counsel, and the Court having considered the matter herein and otherwise being sufficiently advised,

IT IS NOW THEREFORE ORDERED AND ADJUDGED that Plaintiffs' motion to expedite its ruling of Plaintiffs' pending motions is GRANTED.